

COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

Case Title: state vs Muhammad Ishtiaq etc

Serial No. of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 07	29.05.2024	<p>DPP for the state present. Accused Muhammad Ishtiaq S/O Mushtaq Masih and Aqid Ali S/O Noor Muhammad present on bail. PWs absent. Notice U/S 249-A Cr. PC given to the prosecution.</p> <p>Brief facts of the case are that complainant Shiaz Khan SHO sent a Murasila through constable Saif Ullah No. 1530 to the effect that he along with other police officials were on gasht in the official vehicle. During gasht Nakabandi was made at the place of occurrence, meanwhile a motorcar number BD-4100, black colour coming from Kurez Bazar side was stopped. The driver was asked to step out, who disclosed his name as Muhammad Ishtiaq S/O Mushtaq Masih. On his body search, one 30 bore pistol along with license No. 661. There is sanctioned U/S 144 Cr. PC on the exhibition of weapons vide letter No. 204/CDC/ORK of the District Administration. Another person present on the front seat having 12 bore gun which was recovered from his possession. He disclosed his name as Aqid Ali S/O Noor Muhammad. He failed to produce any license of the same.</p> <p>Both of them were arrested and charged in the instant FIR No. 4, dated 03.02.2024 U/S 15AA, 188/34 PPC of PS Kurez Boya.</p> <p>Arguments of the learned counsel for the accused and</p>

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<p>Order No. 07 Continue...</p>	<p>29.05.2024</p>	<p>learned DPP for the state heard and available record perused which shows that notification U/S 144 Cr. PC has neither annexed with the case file nor there is any evidence on the available record that the same has been affixed at a conspicuous place which further shows that the accused facing trial were not in the notice of the same. The occurrence has taken place at the main thoroughfare Kurez Dauli road, but none of independent witnesses has associated to verify the factum, mode and manner of the recovery. The mandatory provision of 103 Cr. PC has been violated. There is neither any FSL report nor any report of the armorer on the case file to the effect that whether the weapon in question was in working condition or otherwise. Keeping in view the above facts and circumstances, there is no probability of conviction of accused even if the statements of all the PWs are recorded, therefore, I hereby acquit both the accused facing trial U/S 249-A Cr. PC from the charges levelled against them. Pistol of Muhammad Ishtiaq accused being licensed weapon be returned to him, while the weapon allegedly recovered from Aqid Ali i.e., gun 12 bore, is hereby confiscated to the state.</p> <p>Case file be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 29.05.2024</p>
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J. Zada
BAKHT ZADA
Senior Civil Judge/JM,
Orakzai at Baber Mela

J. Zada
(Bakht Zada)
Senior Civil Judge/JM,
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29-5-24